



IFW

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Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on August 16, 2004.
Michele Ortolano

Michele Ortolano

Signature
August 16, 2004
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zhang et al.

Examiner: Anthony J. Green

Filed: July 25, 2003

Art Unit: 1755

Serial No. 10/627,885

For: Polymeric Wood Preservative Compositions

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

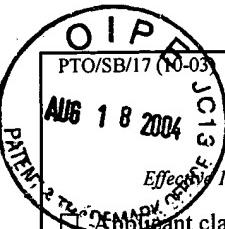
Sir:

In response to the office action dated February 17, 2004, Applicants respond as follows. Amendments to the claims are presented on page 2 of this Response and Remarks on page 10.

08/18/2004 BSAYASII 00000076 10627885

01 FC:1253

950.00 OP



Approved for use through 07/31/2006, OMB 0651-0032
FEE TRANSMITTAL
for FY 2004
Effective 10/01/2003. Patent Fees are subject to annual revision.
 AUG 18 2004
 JC
 PATENT
 TRADEMARK
 SMALL ENTITY STATUS
 Applicant claims small entity status. See 37 CFR 1.27.

| | | | | Application Number | 10/627,885 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|----------|-------------------------------|----------|---|-------------------------------|---|-------------------------------|--|-----------------|--|-------|------|------|--|-------------------------------------|------|--------------------------|--|--------|---|--|------|-------|---|--------------------------------|-----|---------------------------|-----|------|----|----------------------------------|----|
| | | | | Filing Date | 7/25/2003 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | First Named Inventor | Zhang et al. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Examiner Name | Green, Anthony J. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Group/Art Unit | 1755 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL AMOUNT OF PAYMENT | | (\$950.00) | | Attorney Docket Number | 11474.0295 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| METHOD OF PAYMENT (check all that apply) | | | | FEE CALCULATION (continued) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: 08-2442 Deposit Account Name: Hodgson Russ LLP The Director is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account | | | | 3. ADDITIONAL FEES | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td>\$</td> </tr> </tbody> </table> | Large Entity Fee Code (\$) | Fee (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid | 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | \$ | 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | \$ | 1053 | 130 | 1053 | 130 | Non-English specification | \$ | | | | |
| Large Entity Fee Code (\$) | Fee (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1053 | 130 | 1053 | 130 | Non-English specification | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FEE CALCULATION | | | | 1812 | 2,520 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting Publication of SIR prior to Examiner Action</td> <td>\$</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting Publication of SIR after Examiner Action</td> <td>\$</td> </tr> </tbody> </table> | | | | Large Entity Fee Code (\$) | Fee (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid | 1804 | 920* | 1804 | 920* | Requesting Publication of SIR prior to Examiner Action | \$ | 1805 | 1,840* | 1805 | 1,840* | Requesting Publication of SIR after Examiner Action | \$ | 1812 | 2,520 | | | | | | | | | |
| Large Entity Fee Code (\$) | Fee (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1804 | 920* | 1804 | 920* | Requesting Publication of SIR prior to Examiner Action | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting Publication of SIR after Examiner Action | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1002 | 340 | 2002 | 170 | Design filing fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | \$950 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (1) | | | | \$0 | 1401 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 1401 | 330 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 2401 | 165 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Notice of Appeal | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE <table border="1"> <thead> <tr> <th>Extra Fee from Claims below Total Claims / / - 20** = / / x / / =</th> <th>Fee Paid</th> <th>1402</th> <th>330</th> <th>2402</th> <th>165</th> <th>Filing a brief in support of an appeal</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> </tr> <tr> <td>Independent Claims / / - 3** = / / x / / =</td> <td>\$</td> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>Multiple dependent / / x / / =</td> <td>\$</td> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> </tr> </tbody> </table> | | | | Extra Fee from Claims below Total Claims / / - 20** = / / x / / = | Fee Paid | 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | | | 1403 | 290 | 2403 | 145 | Request for oral hearing | Independent Claims / / - 3** = / / x / / = | \$ | 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | Multiple dependent / / x / / = | \$ | 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | \$ |
| Extra Fee from Claims below Total Claims / / - 20** = / / x / / = | Fee Paid | 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 1403 | 290 | 2403 | 145 | Request for oral hearing | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Independent Claims / / - 3** = / / x / / = | \$ | 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multiple dependent / / x / / = | \$ | 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td>\$</td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>10 advance copies Utility issue fee (or reissue)</td> <td>\$</td> </tr> </tbody> </table> | | | | Large Entity Fee Code (\$) | Fee (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid | 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | \$ | 1501 | 1,330 | 2501 | 665 | 10 advance copies Utility issue fee (or reissue) | \$ | \$ | | | | | | | | | | |
| Large Entity Fee Code (\$) | Fee (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1501 | 1,330 | 2501 | 665 | 10 advance copies Utility issue fee (or reissue) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1502 | 480 | 2502 | 240 | Design issue fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim if not paid | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1204 | 86 | 2204 | 43 | **Reissue independent claims over original patent | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 8021 | 40 | Recording each patent assignment per property (times number of properties) | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (2) | | | | \$0 | 8021 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 1809 | 770 | 2809 | 385 | Filing a submission after final rejection(37 CFR 1.129(a)) | \$ | | | | | | | | | | | | | | | | | | | | | | | |
| SIGNATURE | | | | 1810 | 770 | 2810 | 385 | For each add'l invention to be examined(37 CFR 1.129(b)) | \$ | | | | | | | | | | | | | | | | | | | | | | | |
| DATE: August 16, 2004 Telephone: (716) 848-1628 | | | | 1801 | 770 | 2801 | 385 | Request For Continued Examination (RCE) | \$ | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 1802 | 900 | 1802 | 900 | Request for Expedited Examination of a design application | \$ | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Other fee (specify) | | | | \$ | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | *Reduced by basic filing fee paid | | | | SUBTOTAL (3) | \$950 | | | | | | | | | | | | | | | | | | | | | | | |

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 16, 2004.

Michele Ortolano
Name

Michele Ortolano
Signature

August 16, 2004
Date of Signature